

feasibility study prior to April 1, 2002, shall be eligible for a nursing facility conversion grant beginning July 1, 2003.

Sec. 5. DEPARTMENT OF HUMAN SERVICES APPROPRIATION — HOSPITAL TRUST FUND. There is appropriated from the hospital trust fund created in section 249I.4 to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement the medical assistance appropriation:
 \$ 12,000,000

Sec. 6. 2001 Iowa Acts, chapter 192, section 2, subsection 1, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys committed to grantees under contract pursuant to this subsection that remain unexpended at the close of the fiscal year shall not revert to any fund but shall remain available for purposes of the contract during the succeeding fiscal year.

Sec. 7. EFFECTIVE DATE. Section 6 of this Act amending 2001 Iowa Acts, chapter 192, being deemed of immediate importance, takes effect upon enactment.

Sec. 8. EFFECTIVE DATE RETROACTIVE APPLICABILITY. Section 4 of this Act, relating to a nursing facility conversion grants moratorium, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to April 1, 2002.

Approved May 10, 2002

CHAPTER 1173

TOBACCO SETTLEMENT, INFRASTRUCTURE, AND ENVIRONMENT FIRST FUNDS — APPROPRIATIONS AND MISCELLANEOUS RELATED CHANGES

H.F. 2614 Bill History

AN ACT relating to and making appropriations to state departments and agencies from the tobacco settlement trust fund, rebuild Iowa infrastructure fund, and environment first fund, making related statutory changes, and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I TOBACCO SETTLEMENT TRUST FUND

Section 1. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the following departments and agencies for the fiscal period beginning July 1, 2002, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. STATE BOARD OF REGENTS
 a. For construction of a new business college building at Iowa state university of science and technology:
 FY 2002-2003 \$ 6,700,000

FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0
b. For improvements to the lakeside laboratory:		
FY 2002-2003	\$	390,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0
c. For construction of an addition to McCollum science hall at the university of northern Iowa:		
FY 2002-2003	\$	8,400,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0
d. For utility system replacement at the Iowa school for the deaf:		
FY 2002-2003	\$	250,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0
e. For tuck-pointing at the Iowa school for the deaf:		
FY 2002-2003	\$	185,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0
f. For upgrading the heating, ventilation, and air-conditioning system at the Iowa braille and sight saving school:		
FY 2002-2003	\$	450,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0
g. For construction of the livestock infectious disease isolation facility at Iowa state university of science and technology:		
FY 2002-2003	\$	2,797,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0
h. For the completion of construction of scientific laboratories within the Roy Carver facility at the plant sciences institute at Iowa state university of science and technology:		
FY 2002-2003	\$	4,148,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0
i. For continued renovation of the biological sciences facility at the state university of Iowa:		
FY 2002-2003	\$	3,000,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0
j. For planning, design, and construction of a journalism building at the state university of Iowa:		
FY 2002-2003	\$	2,600,000
FY 2003-2004	\$	7,200,000
FY 2004-2005	\$	3,575,000
FY 2005-2006	\$	0

k. For planning, design, and construction of an innovative teaching center at the university of northern Iowa:

FY 2002-2003	\$	1,730,000
FY 2003-2004	\$	6,490,000
FY 2004-2005	\$	9,880,000
FY 2005-2006	\$	0

l. For planning, design, and construction of additional undergraduate classrooms and renovation of auditoriums at Iowa state university of science and technology:

FY 2002-2003	\$	2,112,100
FY 2003-2004	\$	10,177,300
FY 2004-2005	\$	1,949,100
FY 2005-2006	\$	0

m. For phase I of construction of the art building at the state university of Iowa:

FY 2002-2003	\$	7,910,000
FY 2003-2004	\$	3,653,000
FY 2004-2005	\$	0
FY 2005-2006	\$	0

n. For upgrading the steam distribution system at the university of northern Iowa:

FY 2002-2003	\$	4,320,000
FY 2003-2004	\$	4,390,000
FY 2004-2005	\$	0
FY 2005-2006	\$	0

The state board of regents is authorized to enter into contracts for the full cost of carrying out the projects listed in paragraphs “j” through “n”, for which appropriations are made in those paragraphs. The state shall not be obligated for costs associated with contracts identified in this paragraph in excess of the funds appropriated by the general assembly.

2. DEPARTMENT OF CORRECTIONS

a. For installation of security fencing at correctional institutions in the state:

FY 2002-2003	\$	3,523,850
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

b. To supplement funds appropriated in 1998 Iowa Acts, chapter 1219, section 2, subsection 3, for construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison:

FY 2002-2003	\$	2,000,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

c. For construction of a 170-bed facility at the Iowa medical and classification center at Oakdale:

FY 2002-2003	\$	4,100,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

3. DEPARTMENT OF ECONOMIC DEVELOPMENT

a. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:

FY 2002-2003	\$	2,500,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

The moneys appropriated in this paragraph “a” for FY 2002-2003 shall be allocated equally among the community colleges in the state. If any portion of the equal allocation to a commu-

nity college is not obligated or encumbered by April 1, 2003, the unobligated and unencumbered portions shall be available for use by other community colleges.

b. To provide a grant for construction of, and purchasing of equipment for, a facility to be used exclusively for processing novel proteins from agricultural products for pharmaceutical, nutraceutical, or chemical applications:

FY 2002-2003	\$	3,268,696
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

The moneys appropriated in this paragraph "b" shall comprise no more than 15 percent of the total costs of construction of, and purchasing equipment for, the facility.

3A. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For conversion of the Iowa communications network to asynchronous transfer mode technology:

FY 2002-2003	\$	5,000,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

The appropriation in this subsection is contingent upon certification of the Iowa communications network by the federal government as a defense security network test bed. The Iowa telecommunications and technology commission shall notify the Code editor and the department of management upon such certification.

3B. DEPARTMENT OF EDUCATION

For allocation to the public broadcasting division for costs of installation of digital television at Iowa public television facilities, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

FY 2002-2003	\$	1,000,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

4. DEPARTMENT OF GENERAL SERVICES

a. For major renovation and major repair needs including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state-owned buildings and facilities:

FY 2002-2003	\$	15,750,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

(1) Of the amount appropriated in this paragraph "a" for FY 2002-2003, up to \$375,000 may be used for costs associated with project management services in the division of design and construction of the department, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1).

(2) Of the amount appropriated in this paragraph "a" for FY 2002-2003, \$200,000 may be used for costs associated with the vertical infrastructure program, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1).

(3) Of the amount appropriated in this paragraph "a" for FY 2002-2003, up to \$1,350,000 may be used for the renovation and furnishing of space necessary to meet the capacity needs of the department of human services unit for the civil commitment of sexually violent predators, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1).

b. For demolition of the micrographics building, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

FY 2002-2003	\$	170,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

c. For improvements to the capitol complex security system, notwithstanding section 12E.12, subsection 1, paragraph “b”, subparagraph (1):

FY 2002-2003	\$	1,000,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

A portion of the amount appropriated in this paragraph “c” for FY 2002-2003 shall be used for the purchase and installation of security cameras and expansion of the electronic door locking system in the capitol.

d. For capitol interior restoration:

FY 2002-2003	\$	2,700,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

e. For improvements to and redesign of parking lots on the capitol complex:

FY 2002-2003	\$	93,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

f. For the planning and design of the renovation of the records center:

FY 2002-2003	\$	1,600,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

g. For costs associated with the renovation of the northeast quadrant of the capitol:

FY 2002-2003	\$	5,000,000
FY 2003-2004	\$	6,239,000
FY 2004-2005	\$	0
FY 2005-2006	\$	0

The legislative council shall approve all plans for the renovation of the northeast quadrant of the capitol prior to the department’s receipt of bids for the renovation.

h. For planning, design, and construction of an expansion of the parking structure being built at the northwest corner of the intersection of Grand and Pennsylvania avenues in Des Moines:

FY 2002-2003	\$	3,400,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

The department may amend the chapter 28E agreement entered into with a private agency pursuant to 2001 Iowa Acts, First Extraordinary Session, chapter 5, sections 5 and 6, to provide for the construction of additional parking spaces for the parking structure. Awarding of a contract for the construction of such additional parking spaces shall be pursuant to the competitive bidding and all other requirements of section 18.6, subsection 9, and any rules adopted pursuant to that subsection.

5. DEPARTMENT OF HUMAN SERVICES

To provide a grant for construction of an alternative services girls treatment center:

FY 2002-2003	\$	200,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

6. IOWA STATE FAIR AUTHORITY

For vertical infrastructure improvements on the state fairgrounds:

FY 2002-2003	\$	500,000
FY 2003-2004	\$	0

FY 2004-2005	\$	0
FY 2005-2006	\$	0

7. JUDICIAL BRANCH

a. For parking improvements and provision of street access for the judicial building:

FY 2002-2003	\$	700,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

b. For furnishings in the judicial building, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

FY 2002-2003	\$	1,250,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

8. INFORMATION TECHNOLOGY DEPARTMENT

For the payment of claims relating to the purchase and implementation of an enterprise resource planning system:

FY 2002-2003	\$	4,400,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

9. DEPARTMENT OF NATURAL RESOURCES

a. For costs associated with the planning, design, and construction of a premier destination park, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

FY 2002-2003	\$	1,000,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

b. For continuation of the restore the outdoors program, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

FY 2002-2003	\$	2,500,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

c. For development and construction of the Lewis and Clark rural water system, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

FY 2002-2003	\$	281,400
FY 2003-2004	\$	1,500,000
FY 2004-2005	\$	2,450,000
FY 2005-2006	\$	2,500,000

10. DEPARTMENT OF PUBLIC DEFENSE

a. For maintenance and repair of national guard armories and facilities:

FY 2002-2003	\$	700,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

b. For construction of a new national guard armory at Estherville:

FY 2002-2003	\$	400,000
FY 2003-2004	\$	461,000
FY 2004-2005	\$	0
FY 2005-2006	\$	0

c. For remodeling and construction of an addition to the national guard armory in Boone:

FY 2002-2003	\$	111,000
FY 2003-2004	\$	0

FY 2004-2005	\$	0
FY 2005-2006	\$	0

d. For planning, design, and construction of an addition to the national guard armory in Waterloo:

FY 2002-2003	\$	612,100
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

11. STATE DEPARTMENT OF TRANSPORTATION

a. For vertical infrastructure improvements at all eight commercial air service airports within the state:

FY 2002-2003	\$	1,100,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

One-half of the funds appropriated in this paragraph "a" shall be allocated equally between each commercial service airport, 40 percent of the funds shall be allocated based on the percentage that the number of enplaned passengers at each commercial service airport bears to the total number of enplaned passengers in the state during the previous fiscal year, and 10 percent of the funds shall be allocated based on the percentage that the air cargo tonnage at each commercial service airport bears to the total air cargo tonnage in the state during the previous fiscal year. In order for a commercial service airport to receive funding under this paragraph "a", the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

b. For an aviation hangar grant program for improvements to and design and construction of hangars at general aviation airports within the state:

FY 2002-2003	\$	581,400
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

c. For acquiring, constructing, and improving recreational trails within the state:

FY 2002-2003	\$	2,000,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

Of the amount appropriated in this paragraph "c", \$500,000 shall be used for funding, on a matching basis, recreational trail projects, with priority given to completion of trail connections and sections between existing trails and parks within the established state recreational trails system. Such projects shall be matched by \$1 of private or other funds for each \$3 of state funds.

12. OFFICE OF TREASURER OF STATE

a. For county fair infrastructure improvements for distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs:

FY 2002-2003	\$	1,060,000
FY 2003-2004	\$	0
FY 2004-2005	\$	0
FY 2005-2006	\$	0

b. For deposit in the community attraction and tourism fund:

FY 2002-2003	\$	12,500,000
FY 2003-2004	\$	12,500,000
FY 2004-2005	\$	0
FY 2005-2006	\$	0

13. Payment of moneys from the appropriations in this section shall be made in a manner

that does not adversely affect the tax-exempt status of any outstanding bonds issued by the tobacco settlement authority.

14. REVERSION. Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they were appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2006, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 2. PAYMENTS IN LIEU OF TUITION. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund of the state to the state board of regents for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

..... \$ 9,151,609¹

Sec. 3. IOWA COMMUNICATIONS NETWORK DEBT SERVICE. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the treasurer of state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For debt service for the Iowa communications network, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

..... \$ 12,855,000²

Funds appropriated in this section shall be deposited in a separate fund established in the office of the treasurer of state to be used solely for debt service for the Iowa communications network. The Iowa telecommunications and technology commission shall certify to the treasurer of state when a debt service payment is due, and upon receipt of the certification, the treasurer shall make the payment. The commission shall pay any additional amount due from funds deposited in the Iowa communications network fund.

Sec. 4. PRISON DEBT SERVICE. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the treasurer of state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For repayment of prison infrastructure bonds under section 16.177, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

..... \$ 5,185,576³

Sec. 5. TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION FEES. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the treasurer of state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For payment of litigation fees incurred pursuant to the tobacco master settlement agreement:

..... \$ 14,924,000

¹ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1001, §44, 46; chapter 1003, §226, 233 herein

² See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §227, 233 herein

³ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §228, 233 herein

Sec. 6. 2001 Iowa Acts, chapter 185, section 25, subsection 1, paragraph d, is amended to read as follows:

d. For costs of entering into a lease-purchase agreement to connect the electrical system supporting the special needs unit at Fort Madison:

..... \$ 333,168
0

Sec. 7. 2001 Iowa Acts, chapter 185, section 25, subsection 6, paragraph b, is amended to read as follows:

b. For costs associated with the planning, and design, and construction of a premier destination park, notwithstanding section 8.57, subsection 5, paragraph "c", as follows:

..... \$ 1,000,000

Sec. 8. EFFECTIVE DATE. The sections of this division of this Act amending 2001 Iowa Acts, chapter 185, section 25, being deemed of immediate importance, take effect upon enactment.

DIVISION II

TOBACCO SETTLEMENT TRUST FUND — ENDOWMENT FOR IOWA'S HEALTH ACCOUNT — TUITION REPLACEMENT

Sec. 9. For the fiscal year beginning July 1, 2002, and ending June 30, 2003, of the \$75,000,000 to be deposited in the endowment for Iowa's health account of the tobacco settlement trust fund under 2001 Iowa Acts, chapter 174, section 1, subsection 1, the following amount is appropriated to the state board of regents, to be used for the purpose designated:

For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

..... \$ 16,843,772

DIVISION III

REBUILD IOWA INFRASTRUCTURE FUND FISCAL YEAR 2002-2003 APPROPRIATIONS

Sec. 10. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. STATE BOARD OF REGENTS

For allocation to the university of northern Iowa for developing a 21st century learning initiative, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 800,000⁴

The university of northern Iowa shall consult with the information technology department and the department of education in continuing the initiative.

2. DEPARTMENT OF CORRECTIONS

For costs of entering into a lease-purchase agreement to connect the electrical system supporting the special needs unit at Fort Madison:

..... \$ 333,168

3. DEPARTMENT OF CULTURAL AFFAIRS

a. For historical site preservation grants, to be used for the restoration, preservation, and development of historical sites:

..... \$ 800,000⁵

⁴ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §195, 213 herein

⁵ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §196, 213 herein

Historical site preservation grants shall only be awarded for projects which meet the definition of "vertical infrastructure" in section 8.57, subsection 5, paragraph "c".

In making grants pursuant to this paragraph "a", the department shall consider the existence and amount of other funds available to an applicant for the designated project. Each grant awarded from moneys appropriated in this paragraph "a" shall not exceed \$100,000 per project. Not more than two grants may be awarded in each county.

b. For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection, notwithstanding section 8.57, subsection 5, paragraph "c":
 \$ 150,000⁶

4. DEPARTMENT OF ECONOMIC DEVELOPMENT

a. For deposit in the local housing assistance program fund created in section 15.354, notwithstanding section 8.57, subsection 5, paragraph "c":
 \$ 800,000

b. For deposit in the rural enterprise fund to be used for the dry fire hydrant and rural water supply education and demonstration project, notwithstanding section 8.57, subsection 5, paragraph "c":
 \$ 100,000⁷

5. DEPARTMENT OF EDUCATION

a. To provide resources for structural and technological improvements to local libraries, notwithstanding section 8.57, subsection 5, paragraph "c":
 \$ 600,000

b. For the community college vocational-technical technology improvement program authorized in chapter 260A, notwithstanding section 8.57, subsection 5, paragraph "c":
 \$ 3,000,000

c. For school improvement technology block grants, notwithstanding section 8.57, subsection 5, paragraph "c", and notwithstanding section 256D.5, subsection 2, Code 2001:
 \$ 5,770,600⁸

The moneys appropriated in this lettered paragraph shall be distributed on a per pupil basis to school districts, notwithstanding section 256D.6, Code Supplement 2001, to be used for the purchase of technology, subject to the restrictions of section 256D.8, subsection 1, Code Supplement 2001. The moneys appropriated in this lettered paragraph shall be allocated to school districts in the proportion that the basic enrollment of a school district and the participating accredited nonpublic schools located within the school district for the budget year bears to the sum of the basic enrollments of all school districts and participating accredited nonpublic schools in the state for the budget year. For purposes of this lettered paragraph, "school district" means a school district, the Iowa braille and sight saving school, the state school for the deaf, the Price laboratory school at the university of northern Iowa, and the institutions under the control of the department of human services as provided in section 218.1, subsections 1 through 3, 5, 7, and 8.

The moneys appropriated in this lettered paragraph shall be allocated to school districts for the purchase of technology for accredited nonpublic schools as provided in 2001 Iowa Acts, chapter 189, section 14.

A participating accredited nonpublic school, the Iowa braille and sight saving school, the state school for the deaf, the Price laboratory school at the university of northern Iowa, and the department of human services on behalf of the institutions under the department's control as provided in section 218.1, subsections 1 through 3, 5, 7, and 8, shall certify their basic enrollments or average student yearly enrollment, as applicable, to the department of education by October 1, 2002.

d. For completion of the electronic data interchange project known as project EASIER, notwithstanding section 8.57, subsection 5, paragraph "c":
 \$ 150,000⁹

⁶ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §197, 213 herein

⁷ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §198, 213 herein

⁸ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §200, 213 herein

⁹ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §201, 213 herein

6. DEPARTMENT OF GENERAL SERVICES

a. For routine maintenance of state buildings and facilities under the purview of the department, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 2,000,000¹⁰

The department shall quarterly file a report with the legislative fiscal bureau detailing the use and disposition of funds appropriated in this paragraph “a”.

Of the funds appropriated in this paragraph “a”, \$200,000 shall be allocated to the judicial branch for routine maintenance.

b. For relocation expenses associated with remodeling projects on the capitol complex, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 898,000

7. DEPARTMENT OF HUMAN SERVICES

For automation of child abuse intake reports, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 154,267¹¹

The automation shall be developed in a manner so that it may be easily integrated for use with the 211 telephone number system being implemented statewide to improve public access to social services.

8. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For maintenance and lease costs associated with Part III connections, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 2,727,004

9. INFORMATION TECHNOLOGY DEPARTMENT

a. For data warehouse projects, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 1,000,000¹²

Of the amount appropriated in this paragraph “a”, \$564,000 shall be utilized for lease-purchase costs related to the justice data warehouse technology project, and \$60,000 is allocated to the division of criminal and juvenile justice planning of the department of human rights for 1.00 full-time equivalent position to provide support for the justice data warehouse technology project.

b. For additional technology projects, as determined by the department, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 545,733¹³

The moneys appropriated in this paragraph “b” may be used for development of the Iowa communications network or for the installation of high-definition television at Iowa public television facilities.

10. POST 16, DEPARTMENT OF PUBLIC SAFETY

For capitol security personnel, equipment, and related costs, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 850,000

11. OFFICE OF SECRETARY OF STATE

To replace the voter registration system, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 350,000¹⁴

12. COMMISSION OF VETERANS AFFAIRS

For demolition and removal of the fire-damaged dwelling of the commandant of the Iowa veterans home, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 50,000

13. REVERSION. Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they were appropriated but shall remain avail-

¹⁰ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §202, 213 herein

¹¹ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §203, 213 herein

¹² See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §204, 213 herein

¹³ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §205, 213 herein

¹⁴ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §206, 213 herein

able for the purposes designated until the close of the fiscal year that begins July 1, 2005, or until the project for which the appropriation was made is completed, whichever is earlier.

SUPPLEMENTAL APPROPRIATION AND CHANGES
TO PRIOR APPROPRIATIONS

Sec. 11. There is appropriated from the rebuild Iowa infrastructure fund to the department of corrections for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs of entering into a lease-purchase agreement to connect the electrical system supporting the special needs unit at Fort Madison:

.....	\$	333,168
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Sec. 12. 2001 Iowa Acts, chapter 185, section 1, unnumbered paragraph 2, is amended to read as follows:

To supplement funds appropriated in 1998 Iowa Acts, chapter 1219, section 2, subsection 3, for construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison:

.....	\$	2,000,000
		<u>0</u>

Sec. 13. 2001 Iowa Acts, chapter 185, section 7, subsections 1 and 2, are amended to read as follows:

1. For the construction of a pedestrian bridge across Court avenue to provide pedestrian access across the capitol complex:

FY 2001-2002	\$	0
FY 2002-2003	\$	650,000
		<u>0</u>

2. For capitol interior restoration:

FY 2001-2002	\$	0
FY 2002-2003	\$	2,700,000
		<u>0</u>

Sec. 14. 2001 Iowa Acts, chapter 185, section 11, subsections 1 through 3, are amended to read as follows:

1. For construction of a new business college building at Iowa state university of science and technology:

FY 2001-2002	\$	0
FY 2002-2003	\$	6,700,000
		<u>0</u>
FY 2003-2004	\$	0

2. For phase I of construction of the art building at the state university of Iowa:

FY 2001-2002	\$	0
FY 2002-2003	\$	7,910,000
		<u>0</u>
FY 2003-2004	\$	3,653,000
		<u>0</u>

3. For upgrading the steam distribution system at the university of northern Iowa:

FY 2001-2002	\$	0
FY 2002-2003	\$	4,320,000
		<u>0</u>
FY 2003-2004	\$	4,390,000
		<u>0</u>

Sec. 15. 2001 Iowa Acts, chapter 185, section 10, unnumbered paragraph 2, is amended to read as follows:

For construction of a new national guard armory at Estherville:

FY 2001-2002	\$	0
FY 2002-2003	\$	400,000
		<u>0</u>
FY 2003-2004	\$	461,000
		<u>0</u>

Sec. 16. 2000 Iowa Acts, chapter 1225, section 15, subsections 2 and 3, as amended by 2001 Iowa Acts, chapter 185, section 23, are amended to read as follows:

2. For continued renovation of the biological sciences facility at the state university of Iowa:

FY 2000-2001	\$	4,400,000
FY 2001-2002	\$	0
FY 2002-2003	\$	3,000,000
		<u>0</u>

3. For construction of an addition to McCollum science hall at the university of northern Iowa:

FY 2000-2001	\$	2,700,000
FY 2001-2002	\$	0
FY 2002-2003	\$	8,400,000
		<u>0</u>

Sec. 17. 2000 Iowa Acts, chapter 1225, section 18, unnumbered paragraph 2, as amended by 2001 Iowa Acts, chapter 185, section 24, is amended to read as follows:

For deposit in the community attraction and tourism fund:

FY 2001-2002	\$	0
FY 2002-2003	\$	12,500,000
		<u>0</u>
FY 2003-2004	\$	12,500,000
		<u>0</u>

Sec. 18. POOLED TECHNOLOGY FUNDING — PRIOR ALLOCATIONS — NONREVERSION. Notwithstanding section 8.33, moneys appropriated and allocated in 2001 Iowa Acts, chapter 189, section 5, subsection 1, which remain unobligated or unexpended at the close of the fiscal year for which they were appropriated shall not revert, but shall remain available for expenditure for the purposes for which they were appropriated and allocated, for the fiscal year beginning July 1, 2002, and ending June 30, 2003.

Sec. 19. EFFECTIVE DATE. The sections of this division of this Act providing a supplemental appropriation to the department of corrections for the fiscal year beginning July 1, 2001, and ending June 30, 2002; amending 2001 Iowa Acts, chapter 185, and 2000 Iowa Acts, chapter 1225; and providing for the nonreversion of certain pooled technology funding, being deemed of immediate importance, take effect upon enactment.

DIVISION IV ENVIRONMENT FIRST FUND

Sec. 20. There is appropriated from the environment first fund to the following departments and agencies for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

a. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:

.....	\$	1,500,000
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b. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation:

.....	\$	2,700,000
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c. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:

..... \$ 850,000

d. For deposit in the alternative drainage system assistance fund created in section 159.29A to be used for purposes of supporting the alternative drainage system assistance program as provided in section 159.29B:

..... \$ 1,500,000¹⁵

e. To provide financial assistance for the establishment of permanent soil and water conservation practices:

..... \$ 7,500,000¹⁶

(1) Not more than 5 percent of the moneys appropriated in this paragraph “e” may be allocated for cost-sharing to abate complaints filed under section 161A.47.

(2) Of the moneys appropriated in this paragraph “e”, 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

(3) Not more than 30 percent of a district’s allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row-cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

(4) The state soil conservation committee created in section 161A.4 may allocate moneys appropriated in this paragraph “e” to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

(5) The financial incentive payments may be used in combination with department of natural resources moneys.

(6) Not more than 15 percent of the moneys appropriated in this paragraph “e” may be used for costs of administration and implementation of soil and water conservation practices.

f. To encourage and assist farmers in enrolling in the continuous sign-up federal conservation reserve program and work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 1,500,000

g. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 750,000

Of the amount appropriated to the loess hills development and conservation fund in this paragraph “g”, \$650,000 shall be allocated to the hungry canyons account, and \$100,000 shall be allocated to the loess hills alliance account.

h. For allocation to the southern Iowa development and conservation authority for protection of road structures:

..... \$ 250,000¹⁷

2. DEPARTMENT OF ECONOMIC DEVELOPMENT

For deposit in the brownfield redevelopment fund created in section 15.293 to provide assistance under the brownfield redevelopment program:

..... \$ 1,000,000¹⁸

3. DEPARTMENT OF NATURAL RESOURCES

a. To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

..... \$ 195,000

b. For statewide coordination of volunteer efforts under the water quality and keepers of the land programs:

..... \$ 100,000

¹⁵ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §207, 213 herein

¹⁶ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §208, 213 herein

¹⁷ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §209, 213 herein

¹⁸ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §210, 213 herein

- c. For continuing the establishment and operation of water quality monitoring stations:
 \$ 2,605,000
- d. For the dredging of lakes, including necessary preparation for dredging, in accordance with the department's classification of Iowa lakes restoration report:
 \$ 1,250,000¹⁹
- e. For purposes of funding capital projects for the purposes specified in section 452A.79, and for expenditures for the local cost share grants to be used for capital expenditures to local governmental units for boating accessibility:
 \$ 2,300,000
- If the amount appropriated in this paragraph "e" exceeds the amount of marine fuel tax receipts deposited into the rebuild Iowa infrastructure fund for the fiscal year ending June 30, 2003, the difference between the amount appropriated in this paragraph "e" from the environment first fund and the actual marine fuel tax receipts deposited into the rebuild Iowa infrastructure fund is appropriated to the rebuild Iowa infrastructure fund from the accumulated balance of marine fuel tax receipts in the general fund of the state which is tracked by the department of management pursuant to section 8.60, subsection 13.
- f. For deposit in the administration account of the water quality protection fund, to carry out the purposes of that account:
 \$ 500,000
- g. For air quality monitoring equipment:
 \$ 500,000

RESOURCES ENHANCEMENT AND PROTECTION FUND

Sec. 21. Notwithstanding the amount of the standing appropriation from the general fund of the state under section 455A.18, subsection 3, there is appropriated from the environment first fund to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, to be allocated as provided in section 455A.19:

..... \$ 10,000,000

The funds allocated to the land management and open spaces accounts from the appropriation in this section may be used for park operation purposes.²⁰

Sec. 22. REVERSION.

1. Except as provided in subsection 2, and notwithstanding section 8.33, moneys appropriated in this division of this Act that remain unencumbered or unobligated shall not revert at the close of the fiscal year for which they were appropriated but shall remain available for the purposes designated until the close of the fiscal year beginning July 1, 2004, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated to the department of agriculture and land stewardship in this division of this Act to provide financial assistance for the establishment of permanent soil and water conservation practices, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2005.

DIVISION V STATUTORY AND RELATED CHANGES

Sec. 23. Section 2.43, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The legislative council in cooperation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council shall assign the use of areas in the state capitol except for the areas used by the governor and the courts as of January 1, 1986, and by the courts as of November 1, 2002, and, in consultation with the director of the department of general services and the capitol planning commission, may assign areas in other state office

¹⁹ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §211, 213 herein

²⁰ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §212, 213 herein

buildings for use of the general assembly or legislative agencies. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly or legislative agencies subject to the jurisdiction of the legislative council and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government.

Sec. 24. RAILROAD CLOSE-CLEARANCE STUDY. The state department of transportation shall conduct a study concerning close-clearance conditions near railroad tracks. The department shall report the findings of the study and make recommendations regarding such findings to the general assembly by January 1, 2003.

Approved May 10, 2002

CHAPTER 1174

HEALTHY IOWANS TOBACCO TRUST AND TOBACCO SETTLEMENT TRUST FUND — APPROPRIATIONS

H.F. 2615

AN ACT relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing effective dates, and providing for retroactive applicability.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. HEALTHY IOWANS TOBACCO TRUST — APPROPRIATIONS TO DEPARTMENTS. There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the following departments for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To the department of human services:
 - a. Unless otherwise provided, to maintain the reimbursement rate for all noninstitutional medical assistance providers, with the exception of anesthesia and dental services, at the rate provided under the federal Medicare program for such providers during the fiscal year beginning July 1, 2000, and ending June 30, 2001, as specified in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “a”, for the fiscal year July 1, 2002, through June 30, 2003, and to continue the resource-based relative value system of reimbursement under the medical assistance program:

.....	\$ 8,095,718
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 - b. To maintain the reimbursement rate at the usual and customary rate as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “b”, for the fiscal year July 1, 2002, through June 30, 2003, for dental services under the medical assistance program:

.....	\$ 3,814,973
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 - c. To maintain the cost-of-living adjustment as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “c”, for the fiscal year July 1, 2002, through June 30, 2003, for rehabilitative treatment and support services providers under child and family services:

.....	\$ 3,243,026
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 - d. To maintain the cost-of-living adjustment as established in 2000 Iowa Acts, chapter 1221,